



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

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ATTORNEY GENERAL

October 11, 1972

Honorable James D. Cole
State of Texas
House of Representatives
Austin, Texas 78711

Opinion No. M-1234

Re: Whether the House Administration
Committee may legally proceed
as authorized by H.S.R. No. 89,
62nd Legislature, 4th C.S.,
1972.

Dear Mr. Cole:

Your request for an opinion reads as follows:

"During the 3rd Called Session of the 62nd
Legislature, the House of Representatives, on
July 7, 1972, adopted H.S.R. No. 89, the text of
which reads as follows:

"'BE IT RESOLVED by the House of Representa-
tives of the 62nd Legislature, 3rd Called Session,
That the House Administration Committee be au-
thorized to establish a fair market value by ap-
praisal, competitive bids, or through depreciated
value based on original cost, for chairs formerly
used at Members' desks on the Floor of the House
of Representatives, and offer each Member the op-
portunity to purchase one such chair at the time
he vacates his term of office.'

"Your opinion is respectfully requested as to
whether the House Administration Committee may
legally proceed as authorized by H.S.R. No. 89."

Section 3 of Article 666, Vernon's Civil Statutes (Sal-
vage and Surplus Act of 1957), provides in part:

"Sec. 3. As used in this Act:

". . .

"(e) 'Surplus property' means any personal
property which is in excess of the needs of any
state agency and which is not required for its

foreseeable needs. Surplus property may be used or new, but possesses some usefulness for the purpose for which it was intended or for some other purpose."

Section 4 of Article 666 provides for the disposition of surplus property as defined above.

The property described in H.S.R. No. 89, quoted in your request, meets the definition of "surplus property" within the meaning of Article 666.

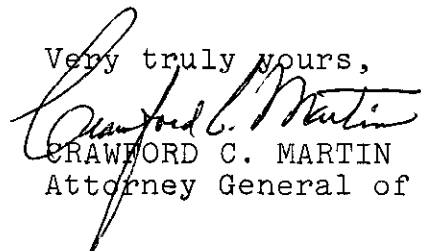
In view of the provisions of Section 30 of Article III of the Constitution of Texas, a statute cannot be amended by a resolution. Attorney General's Opinion WW-345 (1958) and authorities cited therein.

It is our opinion that H.S.R. No. 89 of the Third Called Session of the 62nd Legislature constitutes an attempt to amend Article 666 insofar as it applies to State property described in the resolution. Therefore you are advised that the House Administration Committee may not proceed as authorized by H.S.R. No. 89 without first amending the general law authorizing the disposition of the property described in the resolution.

S U M M A R Y

H.S.R. No. 89, providing that the House Administration Committee be authorized to establish a fair market value by appraisal, competitive bids, or through depreciated value based on original cost, for chairs formerly used at Members' desks on the Floor of the House of Representatives, and offer each Member the opportunity to purchase one such chair at the time he vacates his term of office, constitutes an attempt to amend Article 666, Vernon's Civil Statutes, providing the method of disposing of personal property belonging to the State. The House Administration Committee may not legally proceed to dispose of such property in the manner authorized by H.S.R. No. 89 without first amending the general law.

Very truly yours,


CRAWFORD C. MARTIN
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